

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

DAVID DAVIS,)	
)	Case Number:
Plaintiff)	
)	3:06-CV-0544-WHA
v.)	
)	
PHENIX CITY, ALABAMA, et al.)	
)	
Defendants.)	

**DEFENDANTS' LIST OF DEPOSITION DESIGNATIONS
REGARDING THE DEPOSITION OF BRANDON SHEETS**

COME NOW Defendants Phenix City, Alabama, H.H. Roberts and Wallace Hunter, in their official capacities as City Manager and Fire Chief of the City of Phenix City respectively, and say as follows:

(1) At the Final Pretrial Conference, the Court discussed with counsel the deposition of Brandon Sheets, who will be unable to testify at trial because at the time of the trial he will be working in Iraq for The Wackenhut Corporation. The Court instructed counsel for Plaintiff to submit specific excerpts from the deposition of Brandon Sheets to be admitted into evidence. Because Defendants understood that Plaintiff had submitted the entire deposition of Brandon Sheets to be read into evidence at trial, Defendants did not designate any portion of that deposition to be read at trial. However, since Plaintiff has now picked individual excerpts he wishes to read at trial, Defendants request that Defendants be allowed to submit excerpts from the same deposition that they want admitted into evidence.

(2) Defendants have no objection to the entire deposition being read into evidence, which should take approximately 20 minutes. However, some of Plaintiff's proffered excerpts require context for a balanced presentation of the testimony. Therefore, Defendants have filed objections, contemporaneously with this document, to two of Plaintiff's proffered

excerpts, and also submit the following additional designated excerpts from the deposition of Brandon Sheets:

- 1) Page 7, Lines 4-6
- 2) Page 7, Line 18 - Page 8, Line 2
- 3) Page 8, Line 25 - Page 9, Line 1
- 4) Page 13, Line 23 - Page 14, Line 11
- 5) Page 20, Lines 7-22
- 6) Page 25, Line 16 - Page 26, Line 14
- 7) Page 26, Line 19
- 8) Page 28, Lines 2-14
- 9) Page 28, Line 23 - Page 29, Line 10
- 10) Page 29, Lines 20-24
- 11) Page 30, Lines 12-19
- 12) Page 30, Line 23 - Page 34, Line 7
- 13) Page 35, Line 1 - Page 36, Line 18

Filed on this the 21st Day of February, 2008.

/s/ *James R. McKoon, Jr.*

JAMES R. McKOON, JR. (MCK020)
JOSHUA R. McKOON
Attorneys for Defendants
Post Office Box 3220
Phenix City, Alabama 36868-3220
(334) 297-2300

OF COUNSEL:

JAMES P. GRAHAM, JR.
Post Office Box 3380
Phenix City, Alabama 36868-3380
334 291-0315

CERTIFICATE OF SERVICE

I hereby certify that on this the 21st day of February, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Thomas A. Woodley, Esq.
Molly A. Elkin, Esq.
Bryan Polisuk, Esq.
Douglas Steele, Esq.
Woodley & McGillvary
1125 15th Street, N.W.
Suite 400
Washington, D.C. 20005

Gary Brown, Esq.
Fitzpatrick, Cooper & Clark
Farley Building, Suite 600
1929 Third Avenue North
Birmingham, Alabama 35203

/s/ James R. McKoon, Jr.

OF COUNSEL